

# North Carolina Board of Funeral Service

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**E-NEWS** May 2013 Volume 9, Issue 4

Next meeting of the Board is 9 a.m. Wednesday, June 12, 2013 at the Board offices, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605. The agenda will be posted by June 10 and can be viewed by [following this link](#).

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## IMPORTANT ANNOUNCEMENTS-

Board of Funeral Service offices will be closed on Monday, May 27 in observance of Memorial Day. The Board and Board Staff wish you and your family a safe and happy holiday.

## LEGISLATIVE MATTERS-

The following bills are currently before the Legislature (as of May 10, 2013) which affect funeral service in North Carolina:

H19 – This bill assigns criminal penalties for disorderly conduct within 500 feet of a funeral or memorial service, procession route or burial site. The bill was signed by Governor McCrory on March 6, and becomes law on December 1, 2013.

H460 – This bill would require local Boards of Election to make available forms for reporting the deaths of registered voters. The bill recommends that funeral homes have the forms available to give to families. The bill has passed the House and has been sent to the Senate.

H660 – This bill clarifies the right-of-way laws and vehicle requirements regarding funeral processions. It has passed the House and has been sent to the Senate.

H808 – This bill proposes the merger of the NC Board of Funeral Service and the NC Cemetery Commission into a single entity to be known as the NC Funeral Service and Cemetery Board. The bill is in the House Committee on Regulatory Reform.

H811 – This bill, "Amend Practice of Funeral Service Laws" has passed the House Judiciary Subcommittee C, and is now with the House Finance Committee. There are changes and amendments to several existing laws included in the bill.

S403 – This bill would allow preneed funds to be invested per the provisions of the "Uniform Prudent Investor Act." Basically, it would allow preneed funds to be invested in trust with a financial institution which may include financial assets, interests in closely held enterprises, tangible and intangible

personal property, and real property. The Board is on record as not supporting the bill in its current format, in the absence of a better-defined set of rules regarding the investments.

#### TRAINEE CORNER

**Policy change:** Effective July 1, 2013, ALL trainees, both full-time AND part-time, are required to report their hours worked on their monthly trainee reports.

We continue to receive late trainee reports. **Both the trainee and the supervisor** share responsibility for the timely submission of reports. Late submissions could require an appearance before the Board for both the trainee and the supervisor...taking both of you away from the funeral home for at least a morning - if not longer. The solution is simple - *don't be late!*

#### CONTINUING EDUCATION

It's May. Have you taken any CE yet in 2013?

#### SYMPATHY IS EXTENDED TO THE FAMILIES OF:

**Nancy Yates**, wife of Dan Yates of Yates Wilbert Vault Co., Charlotte, who died on March 25, 2013

**Ernest Lee "Pete" Luther**, grandfather of Board member M. Kelly Byrd (Gordon Funeral Home, Monroe) who died on April 8, 2013.

**Josephine F. Edwards**, President and manager of Edwards Funeral Home, Wilson, who died on April 29, 2013

**Have you looked at your Law Book lately? Rules and Laws are also posted on the Board website: <http://www.ncbfs.org/rules.html>.**

**Here is an excellent resource from the Federal Trade Commission: <http://www.business.ftc.gov/documents/bus05-complying-funeral-rule>**

#### PRENEED REMINDER - BANK TRUSTS

§90-210.61(a)(2) found on page 65; §90-210.64(e)(2) found on page 71 in your 2010 green Law Book:

If you retain any funds upon initiation of a preneed trust contract, you must credit that amount back to the family when the contract becomes at-need. Additionally, if the contract is an inflation-proof trust, the amount retained must be added to the total available funds, and be included in the cash advance calculation.

#### DISCIPLINARY MATTERS:

CASE FILE NUMBER: V10-036; V12-056; M12-023.

LICENSEES: E. M. Matthews Funeral Home (FE #758); Eric Matthews (FD #3414).

SUMMARY: The funeral home and Mr. Matthews sold preneed contracts without a license and failed to deposit the funds into a trust account or insurance policy within five (5) days. The firm also made a false statement

on a death certificate and failed to deposit preneed funds as required by law for preneed contracts with a previous employer.

BOARD ACTION: The Board adopted a consent order revoking Mr. Matthews' license and the funeral establishment permit. Mr. Matthews may reapply in February, 2015 and must dissociate himself from the funeral establishment. Mr. Matthews will make restitution and be ineligible to apply for a preneed sales license indefinitely.

EFFECTIVE DATE: May 8, 2013.

*Happy Mother's Day*

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**MEMORIAL DAY 2013**

